



US Army Corps  
of Engineers®  
New England District

# PUBLIC NOTICE

**Date:** June 15, 2004

**File Number:** NAE-2004-202

**In Reply Refer To:** Ruth Ladd

**Or by e-mail:** [ruth.m.ladd@usace.army.mil](mailto:ruth.m.ladd@usace.army.mil)

---

## MITIGATION CHECKLIST AND GUIDANCE

The New England District (District), U.S. Army Corps of Engineers, Regulatory Division has developed a checklist with associated guidance for use in reviewing all compensation for unavoidable impacts to wetlands and waters required by Corps permits issued under Section 404 of the Clean Water Act.

On December 24, 2002, a National Wetlands Mitigation Action Plan (MAP) was signed by the Department of the Army (Civil Works), Environmental Protection Agency, Department of Commerce, Department of the Interior, Department of Agriculture, and Department of Transportation. The MAP included a category of "Clarifying Performance Standards." Two items were required to be addressed in 2003:

- Guidance adapting the guidelines recommended by the National Research Council of the National Academy of Sciences to the Section 404 program for creating or restoring self-sustaining wetlands, and
- A sample mitigation plan checklist.

Both items have been incorporated by reference into the District's guidance document. On December 15, 2003, the District issued a Public Notice soliciting comments with a draft District checklist and associated guidance. This Notice finalizes the checklist and guidance which are attached.

Most changes from the December 2003 draft are minor. Key changes include:

### CHECKLIST

- Bar scale required on plan-view drawings
- Where preservation involves granting fee or easement to an entity, the mitigation plan must include documentation that the grantee will accept it.

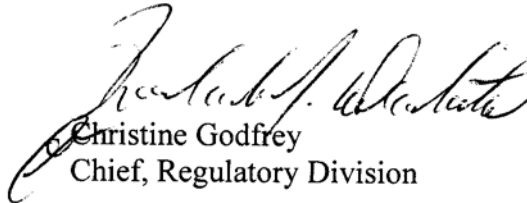
### GUIDANCE

- If contamination of a potential site is possible, testing may be needed.
- Detention basins are typically not acceptable for compensatory mitigation.
- State Departments of Transportation are not required to post a construction bond for mitigation.
- Drawings should show the location of access for maintenance and monitoring.
- Guidance on stockpiling topsoil.
- Amount of coarse woody debris needed increased to 4%.
- Additional invasive species to be controlled have been added.

- During monitoring, at least two site visits per growing season are required, both/all of which will be discussed in a single monitoring report.
- Monitoring reports need to highlight, in the beginning of the report, problems which need immediate attention.
- Several species from the Invasive Plant Atlas of New England have been added to Table 4.

Use of these documents is effective immediately where a permit application has not yet been received or where an application has been received but where a mitigation plan has not already been submitted to the District. These documents are posted on the District's website at <http://www.nae.usace.army.mil> on the Regulatory/Permitting webpage under Mitigation.

FOR THE DISTRICT ENGINEER:



Christine Godfrey  
Chief, Regulatory Division